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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,849	11/05/2003	James C. Biggs	37505.0230	7800
33751	7590	10/04/2006	EXAMINER	
GREATBATCH LTD 9645 WEHRLE DRIVE CLARENCE, NY 14031			HELLER, TAMMIE K	
			ART UNIT	PAPER NUMBER

3766

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,849

Applicant(s)

BIGGS ET AL.

Examiner

Tammie Heller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 June 2006 and 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 11, 12, 16, 17, 22, 24 and 28 is/are rejected.
- 7) ☒ Claim(s) 2, 4-6, 8-10, 13-15, 17, 19-21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendments filed on June 29, 2006 and July 27, 2006 have been received and considered. By these amendments, claims 1-5 and 12-21 have been amended, claims 24-28 have been added, and claims 1-28 are now pending in the application.

Claim Objections

2. In view of the applicant's amendment of claims 5, 14, and 20, the Examiner is withdrawing the objection which was made against claim 10 in the last Office action.

Claim Rejections - 35 USC § 112

3. In view of the applicant's amendment of claims 1, 12, 14, and 15, the Examiner is withdrawing the rejection of claims 1, 12, 14, and 15 under 35 U.S.C. 112, second paragraph, which was made against claims 1, 12, 14, and 15 in the last Office action.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Zart et al. (U.S. Patent No. 6,817,905), herein Zart. Regarding claims 1, 12, and 16, Zart discloses a header assembly 248 for connecting an implantable medical device 250 to a conductor lead (see Figure 14) wherein the header assembly comprises a body 2 mounted on the housing for the medical device, wherein the body has a sidewall extending to a bottom wall disposed immediately adjacent to the medical device housing and wherein a connection inlet (indicated at 40) is provided in the body sidewall extending to the bottom wall at the side wall (see Figures 11 and 14). Further, Zart discloses that the header assembly includes at least one terminal 200 supported by the body that is directly connectable to the conductor lead and intermediate conductors indicated at 42 through 52 supported by the body that have a distal end connected to the terminal and a proximal end residing in the connection inlet in the body (see Figures 1-7 and 14). Further, Zart discloses back-filling the connection inlet (see Abstract).

7. Regarding claims 7 and 22, Zart discloses that the body is made of a thermoplastic material, which is a polymeric material, (see col. 2, ln. 39-40).

8. Regarding claim 11, Zart discloses that the medical device may be a cardiac pacemaker or cardiac defibrillator (see col. 3, ln. 36-38).

9. Regarding claim 24, it can be seen from Figures 1-7 of Zart that the intermediate conductor, comprised of arms 42-52, is a unitary member.

10. Regarding claim 28, although Zart provides at Figure 14 a view of only one sidewall, it can be supposed by the manufacturing method disclosed in Figures 9, 12, and 13 that the header is manufactured in a mirrored fashion such that the connection

inlet indicated at 40 in Figure 14 extends to the bottom wall at both opposed portions of the sidewall.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zart in view of Dantanarayana, previously cited. Zart discloses the invention essentially as claimed, but fails to disclose the exact method by which the intermediate conductor is connected to the feedthrough wire of the implantable medical device. Dantanarayana discloses a header assembly 5 including an intermediate conductor supported by the body which has a distal end connected to a conductor terminal and a proximal end connected to a feedthrough wire of the implantable medical device (see col. 4, ln. 61-67 and col. 5, ln. 1-2), wherein the proximal end of the intermediate conductor wire comprises an enlarged head having a bore into which the feedthrough wire is receivable and connectable (see col. 5, ln. 28-30). The specific connection configuration disclosed by Dantanarayana is utilized in order to easily connect the implantable medical device to the header assembly upon completion of manufacture of the units (see col. 2, ln. 6-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide an intermediate conductor wire having an enlarged head with a bore into which the feedthrough wire is receivable and connectable, as taught by

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Dantanarayana, in the invention of Zart in order to easily connect the implantable medical device to the header assembly upon completion of manufacture of the units.

Allowable Subject Matter

13. Claims 25-27 are allowed.

14. Claims 2, 4-6, 8-10, 13-15, 17, 19-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

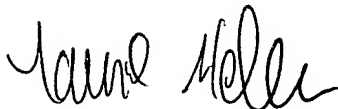
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammie Heller whose telephone number is 571-272-

1986. The examiner can normally be reached on Monday through Friday from 7am until 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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